

Secondly, Applicants respectfully disagree with the Examiner when he asserts that there is a motivation to use an anti-adherent in Liu et al., since a “sticking” problem exists in said patent. Actually, the Examiner himself cites a passage column 7, lines 60-64 (“Lubricants help in the manufacturing of the tablet; e.g., they help to prevent “ejection sticking” of compressed formulation to the pressing dies and punches”), which clearly shows that, even if a sticking problem exists in Liu et al., it would be simply solved by the use of a lubricant.

Therefore, even if Ku et al. teaches the use of anti-adherents to solve tablet manufacturing problems, the person skilled in the art having at disposal Liu et al., combined with Ku et al., would not have been incited to use anti-adherents such as silicon dioxide, since Liu et al. clearly teaches that lubricants, which generally facilitate tablet manufacture by reducing friction in the tablet die during compression and ejection, can prevent “sticking problems” which may occur during the manufacture of the tablets of Liu et al (according to the above-mentioned passage column 7, lines 60-64).

Claims 48 and 61 are thus not obvious over Liu et al. in view of Ku et al.

Since claims 49-53, 55-60 and 62-74 depend on claims 48 and 61 respectively, they are also inventive.

Claims 48-53, 55-56, 59-70 and 73-74 are rejected under 35 U.S.C. § 103(a) as being obvious over Augello et al. (US 6,099,865) in view of Gergely et al. (US 4,832,956) or in view of Myers et al. (US 5,567,439).

Applicants respectfully disagree.

Actually, the Examiner considers that it would have been obvious for the person skilled in the art to use silica in the tablet according to the Augello et al., as used in Gergely et al. (as disintegrating agent) or in Myers et al. (both as disintegrating agent and glidants).

However, the Examiner fails to consider that the person skilled in the art would be motivated to add silica to increase the rate of disintegration since adding silica would have an obvious additive effect with the disintegrating croscarmellose.

Applicants respectfully submit that Augello et al. teaches that croscarmellose is used as both a coating agent and as a disintegrant, thereby eliminating the need for additional disintegrants (see the passages column 1, lines 60-64, and column 2, lines 34 and 35).

Thus, Applicants respectfully submit that the teaching of Augello et al. is contrary to adding another disintegrant such as silica in the presence of croscarmellose.

Furthermore, Applicants respectfully submit that it is not explicitly mentioned in Gergely et al. that silica is hydrophilic, as it is the case in the present invention where precipitated silica is used.

In view of these assertions, the person skilled in the art, having at his disposal Augello et al., combined with Gergely et al. and Myers et al., would not have been incited to use silica in the tablet of Augello et al.

Even if the person skilled in the art would add silica to the tablet described in Augello et al., he would never obtain the tablet according to the invention, since according to the invention, the active principle is not coated by croscarmellose. Furthermore, Gergely et al. explicitly teaches that silica can be introduced either in a melt substance to be crushed or in a dissolving substance for coating the grains.

Thus, claims 48 and 61 are not obvious over Augello et al. in view of Gergely et al. and Myers et al.

Since claims 59-53, 55-56, 59-60, 62-70 and 73-74 depend on claims 48 and 61 respectively, they are also inventive.

It is submitted that the above remarks are sufficient to overcome the Examiner's objections and the application will proceed to allowance.

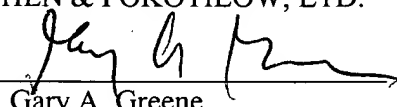
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Respectfully submitted,

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